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THE HON'BLE SRI JUSTICE C.V. RAMULU

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W.P.No.32572 of 1998

Dated: 25-07-2005

Between:

L. Madhusudhan Reddy,

S/o.Papi Reddy, aged 37 years

R/o.P & V Mylaram, Rampur Mandal, Warangal District.

Petitioner..

And

The Industrial Tribunal-cum-Labour Court,
Warangal and another.

Respondents…

ORDER:

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This writ petition is filed by the petitioner-workman being aggrieved by the award dated 19-01-1990 in I.D.No.388 of 1998 passed by the Chairman, Industrial Tribunal-cum-Labour Court, (for short 'the Labour Court') Warangal.

There is no necessity to go into all other details. It is suffice to note that the

workman filed a petition under Section
2-A (2) of the Industrial Disputes Act before the Labour Court, as he was removed from service on 28-02-1985 by the
2nd respondent-Depot Manager, A.P.S.R.T.C., Kothagudem
(for short 'the Corporation'). The Labour Court after considering the material available on record, came to the conclusion that though the charges are proved against the workman, they are trivial in nature and does not deserve grave punishment of removal of the workman from service and the same is shockingly disproportionate to the gravity of the misconduct, and therefore the Corporation was directed to reinstate the workman into service as Conductor with continuity of service but without any backwages. Aggrieved by the same, the workman-petitioner filed the present writ petition seeking further relief of backwages.

I have given my earnest consideration to the respective submissions made by the learned counsel on either side and also perused the award passed by the Labour Court and other material made available on record.

At the out set, I am of the opinion that the Labour Court has not committed any error in denying the backwages to the workman while granting relief of reinstatement into service with continuity of service.

It is the case of the workman that the Labour Court having held that the charges are trivial in nature and no loss was caused to the Corporation and the misconduct of the workman is only failure to collect the fare and issue tickets to a passenger, denying of backwages is arbitrary and illegal.

I am of the opinion that the Labour Court while examining the credibility of the workman and taking totality of the circumstances into consideration denied backwages, since there was some misconduct on the part of the workman. Simply because of the Labour Court held that removal of the workman from service is shockingly disproportionate to the gravity of the misconduct,
it does not mean that the workman is entitled for wages also.
The Labour Court has not committed any error while exercising its discretionary

powers under Section 11-A of the Act.

The writ petition is devoid of any merit and is liable to be dismissed. Accordingly the Writ Petition is dismissed. No order as to costs.

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C.V. RAMULU, J

Dated: 25-07-2005

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